

**MINUTES OF THE
JUDICIARY INTERIM COMMITTEE**

Wednesday, May 16, 2007 – 2:00 p.m. – Room W130 House Building

Members Present:

Sen. Gregory S. Bell, Senate Chair
Rep. Douglas C. Aagard, House Chair
Sen. Lyle W. Hillyard
Sen. Peter C. Knudson
Sen. Ross I. Romero
Rep. Sheryl L. Allen
Rep. Jim Bird
Rep. Jackie Biskupski
Rep. Lorie D. Fowlke
Rep. Kevin S. Garn
Rep. Keith Grover
Rep. Neil A. Hansen

Rep. Kay L. McIff
Rep. Scott L Wyatt
Rep. Mark A. Wheatley

Members Absent:

Rep. Eric K. Hutchings
Rep. Christine A. Johnson

Staff Present:

Jerry D. Howe, Policy Analyst
Esther Chelsea-McCarty, Associate General Counsel
Brooke Ollerton, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Bell called the meeting to order at 2:20 p.m.

MOTION: Rep. Garn moved to approve the minutes of the April 18, 2007 meeting. The motion passed unanimously with Sen. Knudson and Rep. Biskupski absent for the vote.

2. Custodial Interrogations

Mr. Walter Bugden, attorney, encouraged the Committee to pass a statute that requires the recording of custodial interrogations. He said that law enforcement across the state are already equipped to make such recordings. Mr. Bugden responded to questions from the Committee.

Mr. Chad Platt, deputy district attorney, Salt Lake County, urged the Committee to exercise caution. He said that most police already record interrogations in the case of violent crimes and that he would be concerned over any rule that would punish noncompliance.

Mr. Gary Cox, captain, West Jordan Police Department, said that officers are not obligated by statute to record an interrogation when the suspect requests it. He added that recording equipment is not as universally available as previously indicated and pointed out that in large jurisdictions, officers may conduct interviews hundreds of miles from their departments. Mr. Cox agreed that recording custodial interrogations may be a good policy, but objected to any rule that would jeopardize the admissibility of a legally obtained confession or evidence.

Mr. Frank Budd, executive director, Utah Chiefs of Police Association, spoke in opposition to the idea of mandatory recordings. He pointed out that recording a conversation changes the nature of the statements that are made. Also, statements are sometimes offered in the police car or at a crime scene where recording equipment is not always available. He stated concern over the presumptive inadmissibility in court of unrecorded statements.

Mr. Val Shupe, Utah Chiefs of Police, said that it is essential to be able to talk to a suspect at any time regardless of whether recording equipment is available. He pointed out that officers are already bound by U.S. Supreme Court guidelines on interviewing.

Mr. Jim Winder, sheriff, Salt Lake County, said that recording and storing interrogations becomes complicated at correctional facilities where FBI and other officers conduct interviews. He urged the Committee to consider the costs of imposing such a requirement.

Mr. Phil Howell, lieutenant, Weber County Sheriff's Office, spoke against the idea of mandatory recordings, saying he views recordings as a helpful, but secondary tool in interrogations.

3. Criminal Case Judgment Collections

Mr. Dave Johnson, director, Office of State Debt Collection, explained that his office has encountered difficulty collecting restitution payments. Currently, a restitution judgment lapses after eight years. Explaining that nine million dollars of restitution payments will expire this year, he suggested that the statute of limitations on criminal restitution payments be extended until the death of the obligor.

Sen. Bell suggested that State Debt Collection's counsel meet with legislative counsel and draft a bill that would correct the problem.

Mr. Rob Johnson, Office of State Debt Collection, gave historical background on his office and its functions. He affirmed that his office pursues all collections in the same manner.

Sen. Bell requested that the Mr. Johnson report back to the Committee on the issue.

4. Title 78 Recodification

Ms. Chelsea-McCarty referred the Committee to the completed sections of Title 78 which were distributed in the May 16, 2007 mailing packet. She explained that committee members would have the opportunity to review new chapters during the interim and mentioned that the purpose of recodification is to reorganize, but not to make substantive changes to Title 78.

5. Other Business / Adjourn

MOTION: Rep. Wheatley moved to adjourn. The motion passed unanimously with Sen. Knudson, Sen. Hillyard, Rep. Garn, Rep. Hansen, and Rep. McIff absent for the vote.

Chair Bell adjourned the meeting at 4:08 p.m.